

**MINUTES OF THE HANOVER BOROUGH COUNCIL
WATER & SEWER COMMITTEE MEETING**

July 9, 2020 at 6:00 PM

Chairman Arter convened the meeting of the Hanover Borough Council Water & Sewer Committee Meeting at 6:00 PM, Thursday, July 9, 2020 in the Hanover Borough Council Chamber, 44 Frederick Street, Hanover, PA, as advertised.

Attendance: In attendance were Water & Sewer Committee Members Arter & Hegberg; The following staff members were present: Borough Manager Dunford, Secretary Felix, Planning & Engineering Director Mains and Finance Director Miller; Solicitor Shultis and Gannett Fleming Representative Mehaffey.

Chairman Arter stated that an executive session was held prior to this evening's public meeting.

Approval of the Minutes: It was moved by Mr. Hegberg, seconded by Mr. Arter to approve the minutes of June 11, 2020 as written. Motion carried.

Beck Mill Road Water Main Project: This evening's meeting was scheduled to address concerns of residents on Beck Mill Road and Park Heights Blvd. who were recently notified of the intention of the Hanover Borough Water Dept. to have the 12" water main relocated off of several private properties to the public right of way. The original main was in existence decades before residences were built over the area where the main was installed.

In the recent letters to property owners, the Borough proposed that the relocation of the water main and the water service lines to the curb line would be installed at the cost of the Hanover Borough; but affected property owners would be responsible for the cost of the relocation of their water service line from the curb line to each affected residence, as per the PUC tariff.

The following citizens were present and commented as follows:

Tracy Albrecht, 390 Park Heights Blvd: Asked if the question of paying for the water laterals was addressed since the last meeting.

Mr. Mains replied that no changes were made since the last convened meeting. The time frame is still projected for August – September to complete the relocation of the main and installation of laterals.

Mr. Albrecht asked what property owners have paid for similar situations in the past.

Mr. Hegberg noted that there are very few properties in this unique situation. Most mains are reconnected within the public right of way. Very few are located on private property.

Mr. Albrecht expressed concern that Penn Township should not have allowed the residences to be constructed on the properties without addressing the water main relocation.

Mr. Albrecht noted that a recent example of the Borough paying for a similar relocation project would be property owners on Sherman Street. The Borough paid for all of these relocations. The current situation is not the property owners' responsibility. Also, of concern is the short time for the owners to acquire the funds to pay for the project.

The property owners also received courtesy telephone calls to notify them of this evening's meeting.

Mr. Mains stated that the point of tonight's discussion is to hear what the residents have to say. Mr. Hegberg added that property owners have been traditionally responsible for the cost of water service lines between the curb line and the residence.

Mr. Tim McKercher, 375 Park Heights Blvd. noted that the Borough's water main is located on private property.

Mr. Len Bosse, owner of 419 and 421 Beck Mill Road added that the property owners would agree to pay a hook-up fee if the new main were to be installed next to the existing main, but not to totally relocate the lines.

Mr. McKercher pointed out that the Borough had plenty of opportunities to move this water main prior to construction of various residences in the 1960's, 1980's, etc. (The original water main was installed in the 1930's). He has spoken with the PUC regarding this situation seeking their guidance. He wondered what happens after the pipe is abandoned.

Mr. Mehaffey stated the pipe would be capped on either end; but not removed.

Mr. and Mrs. Keith Keller, 410 Park Heights Blvd noted their pipe lies right next to their building foundation and questioned what may happen if the pipe deteriorates, i.e., if it would cause the foundation to be unstable.

Mr. Hegberg apologized on behalf of the Committee to the citizens present that no one on the Committee or Council was here at the time of the original main installation or

when the residences were built; it is a situation that is unfortunate but that would need to be corrected for the future, in case of a water main break, which would cause damage to the homes in the vicinity of the main. The property owners' deeds should reflect the current location of the pipeline and an easement.

Mr. Mains explained that the time period for repayment could be extended.

Mr. Albrecht and Mr. Bosse stated that the group is in agreement that they do not feel they should be held responsible for this situation or the payment.

Mr. Arter apologized for the short time period reflected in the original notice.

Mr. Albrecht asked to have a list of exactly which property owners had to pay for a relocation from private property and which did not have to pay in the past.

Mr. Mehaffey noted that this is the first project that was bid out by private contractor.

Mr. Albrecht asked why if he already paid for a connection to the water main, that he would have to pay it again.

Mr. Bosse wanted to know whether property owners will need to seek litigation.

Mr. Bernie Spangler, 435 Beck Mill Road stated he has to pay for extensive plumbing inside of his house to accommodate the relocation of his water connection.

Mr. Mains noted a breakdown of all pricing for each property can be forward to property owners, and if amounts were over-estimated, a refund will be issued if actual costs are less.

Solicitor Shultis stated if the water main failed, the Borough would be responsible to pay for it. But each property owner is required to pay for their own service line, which is delineated in the tariff. He further noted that the Borough's tariff is not unusual, and very similar to other tariffs throughout the Commonwealth.

Property owners have a right to appeal to the PUC. Mr. Shultis would like to hear what the property owners would propose as a compromise.

Mr. Bosse was concerned he may have not received one of his notices; as he owns 2 properties - 419 and 421 Beck Mill Road. The initial estimate was \$3,700 for both of his properties. Mr. Mains clarified that the total estimate at this time is \$4,924.

Mr. McKercher asked what the total cost of the project is; Mr. Mehaffey stated it is between 1.2 and 1.3 million for both projects. The contractors will install the main and the service lines that were bid.

Mr. McKercher stated the group is prepared to file a formal complaint with an administrative law judge if they cannot get a viable solution from Council.

Mr. Mehaffey noted the PUC would like the Borough to come to a compromise so it does not have to be arbitrated or go to court. More time to pay would not solve the problem from what he is hearing from the group. He wondered if there should be a cap or a percentage-based cost.

Mr. Bosse thought it would be fairer if all property owners paid the same amount. He added that other property owners have been in the same situation and not paid at all.

Mr. Mehaffey stated the Borough needs to investigate other connections on the 12" main between Parr's Hill and the Water Filtration Plant.

Chairman Arter noted the Committee needs to do some investigative work to determine if a compromise can be drafted.

Mr. Shultis asked who would be the spokesperson for the Committee. Mr. McKercher volunteer to be the spokesman, so all correspondence can go through him.

Patti Waltman, 391 Park Heights Blvd: Mrs. Waltman believes the price should be reduced in her case because her situation should have less cost & work.


Mr. Mehaffey will look into 160 Shearman Street, a situation which the group insists that the man was not charged for work of the same kind.

Mr. Albrecht thanked the committee for hearing their concerns this evening, and looks forward to their response.

The Committee discussed the legal aspect of this project and future projects, and the potential liability for abandoned lines. Mr. Mehaffey noted the abandoned lines could be filled with fill concrete for stabilization. Another question arose if the current right of ways need to be abandoned when the line is moved to a new location. Mr. Hegberg suggested an exchange of right of way for the cost of the current project as a compromise. Solicitor Shultis suggested perhaps a settlement could be drafted in this manner that would not set a precedent for the future. The total cost of the property owners' expenses for relocation of their service lines is approximately \$40,000.

Adjournment: Mr. Arter thanked the Committee and staff for their attendance, and it was moved by Mr. Hegberg seconded by Mr. Arter to adjourn the at 7:40 PM. Motion carried.

Respectfully submitted,


Dorothy C. Felix
Borough Secretary